

**State of New Hampshire
Governing Board of Respiratory Care Therapy
Concord, New Hampshire 03301**

In the Matter of:

Docket No.: 01-02

Paul Hallinan, R.C.P.
(Adjudicatory Proceedings)

CONSENT DECREE

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of respiratory care, the New Hampshire Board of Allied Health Professions, Governing Board of Respiratory Care Practitioners ("Board") and Paul Hallinan, R.C.P. ("Mr. Hallinan" or "Respondent"), agree to settle certain allegations of professional misconduct now pending before the Board in accordance with the following terms and conditions:

1. RSA 328-F:23, I (a), and 328-F:25 authorize the Board to undertake disciplinary proceedings against Mr. Hallinan.
2. If a disciplinary proceeding were commenced, the allegations against Mr. Hallinan would be as follows:
 - A. The Board granted Mr. Hallinan a license to practice as a respiratory care practitioner within the state of New Hampshire on March 6, 1991. Mr. Hallinan holds license number 0183.
 - B. Mr. Hallinan was found guilty based upon a plea of guilty in the United States District Court, District of New Hampshire, on May 15, 2001, to one (1) count of Perjury and four (4) counts of Tax Evasion. These are felony convictions.
 - C. Mr. Hallinan's felony convictions provide a basis upon which the Board may

discipline him pursuant to RSA 328-F:23, IV (i).

3. Mr. Hallinan acknowledges and admits the allegations recited in paragraph 2.

4. The Board finds that Mr. Hallinan violated RSA 328-F:23, IV (i).

5. The Board is authorized by RSA 328-F:25, III, and 541-A:37 and 38 to resolve pending allegations of misconduct by entering into a consent decree with Mr. Hallinan.

6. Mr. Hallinan agrees to the following terms of disciplinary action:

A. Mr. Hallinan is hereby REPRIMANDED.

B. Mr. Hallinan's license is hereby placed on PROBATION for a period of twenty-four (24) months, commencing upon the effective date of this agreement, as defined further below.

C. Concurrent with the period of probation, Mr. Hallinan, at his own expense, shall practice under SUPERVISION according to the following terms and conditions:

- i. Within thirty (30) days of the effective date of this agreement, Mr. Hallinan shall submit to the Board the name of three (3) potential supervisors willing and qualified to undertake evaluative/remedial supervision of his practice as described herein. These supervisors shall have administrative responsibilities and need not be respiratory care therapists. The Board shall approve the supervisor.
- ii. Mr. Hallinan shall provide these potential supervisors with a copy of this agreement and these standards as a prerequisite to securing that

supervisor's agreement to undertake the Respondent in supervision.

- iii. For each proposed supervisor, the Respondent shall provide the Board with a curriculum vita and a letter by the potential supervisor which confirms that person's understanding of and qualifications for providing supervision within the terms of this agreement.
- iv. The Respondent shall have no social or professional association with the intended supervisor that would impair the supervisor's ability to perform an evaluative role.
- v. Beginning sixty (60) days from the effective date of this agreement, and continuing for the period of the Respondent's probation, as defined above, the Respondent shall engage at his own expense the services of the supervisor approved by the Board.
- vi. The Respondent shall provide the supervisor with information regarding all professional and employment activities during the period of probation, as defined above.
- vii. The Respondent's supervisor shall report to the Board within thirty (30) days of the commencement of supervision and every sixty (60) days thereafter, until the period of supervision ends. The supervisor's reports shall include, but not be limited to, the number of meetings with the Respondent; the supervisor's assessment of the Respondent's understanding of the professional violation described in this agreement;

an assessment of the Respondent's motivation for rehabilitation; any other ethical or professional practice issues uncovered during the period of supervision; any changes to or additions to employment; and the level of competency and performance observed.

- viii. The Board may evaluate and investigate information contained in any of the supervisor's reports as a matter independent and separate from this agreement, and may, as a result of such an evaluation and investigation, commence appropriate proceedings to increase, decrease, or modify the term of supervision or to take other appropriate action.
- ix. The Respondent shall be responsible for ensuring that all reports required by the terms of this agreement are filed in a timely manner with the Board.

D. Mr. Hallinan shall report to the Board and his supervisor, as required by this consent decree, any and all violations of his probation for the federal convictions. Within thirty (30) days of the effective date of this agreement, Mr. Hallinan shall provide the Board with the name, address and telephone number of his probation officer. Mr. Hallinan shall also provide his probation officer with a copy of this agreement and any permission necessary to enable that person to communicate any such probation violations directly to the Board.

E. Within 180 days of the effective date of this agreement, as defined below, the

Respondent shall attend a program or course in ethics, which is approved by the Board. The Respondent shall provide the Board and his supervisor, as required by this consent decree, with proof of his satisfactory completion of this course prior to the end of probation, as defined above. This course shall not be counted toward the continuing education hours required for renewal of licensure by the Board's statute and rules.

F. Within fifteen (15) days of the effective date of this agreement, as defined further below, Mr. Hallinan shall furnish a copy of this consent decree to any current employer and to any licensing, certificating, or credentialing authority from which he holds a license, certificate, credentials or any other professional privileges.

G. For a continuing period of twenty (24) months from the effective date of this agreement, Mr. Hallinan shall furnish a copy of this agreement to any employer and to any licensing, certificating, or credentialing authority to he applies for employment, licensure, certification, credentials and/or any other professional privileges.

7. Failure to adhere to any of the terms and conditions of this agreement shall be a separate and sufficient ground for disciplinary action by the Board.

8. Except as provided in Paragraph 7, this agreement shall bar the commencement of further disciplinary action by the Board based upon the misconduct allegations described herein. However, the Board may consider the misconduct described

above as evidence of a pattern of conduct in the event that similar misconduct allegations are brought against the Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this agreement as a factor in determining appropriate discipline should any further misconduct allegations be proven against the Respondent in the future.


9. This consent decree shall take effect upon the date it is signed by the representative of the Board shown below.

10. The Respondent voluntarily signs this consent decree and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.


FOR THE RESPONDENT

I, Paul Hallinan, R.C.P., have reviewed the foregoing consent decree resolving misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable of all the consequences, admit to the validity thereof and agree to all of the terms of this consent decree. I acknowledge that I have consulted with an attorney of my choosing about this matter and the consequences of this agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations that have been settled by the terms of this consent decree.

Date: 12-13-01


Paul Hallinan, R.C.P.
Respondent

Date: 12/12/01



Bjorn R. Lange
Attorney for Respondent

N.H. Governing Board of Respiratory Care Practitioners and Paul Hallinan, R.C.P.
Consent Decree

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FOR THE BOARD

Date: 12/13/01



Authorized Representative of the
N.H. Governing Board of Respiratory Care
Practitioners

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